## Sterne Kessler Goldstein Fox



Robert Greene Sterne Edward J. Kessier Jorge A. Goldstein David K. S. Cornwell Robert W. Esmolin Tracy-dene G. Durkin Michael B. Ray Robert F. Sokohl Eric K. Steffe Michael (). Lee Steven, B. Ludwig John M. Covert Linda E. Alcurr Robert G. Millong Lawrence B. Bugarsky Donald J. Festerstone Michael V. Messinger Michael V. Messinger

Jadith D. Kim.

Jimothy J. Sheal at
Patrick E. Carrett
Jeffen T. Hilley
Hey T. Hoyd
Hey T.

April 3, 2002

Thomas C, Fiala Brian J, Del Audono virgil Lee Beaston' Reginald D, Lucas Kimberty N, Reddick Theodore A, Wood Elizabeth J, Haanes Joveph S, District Frank R, Loth ophami Christine M, LL Jier Rae Lytin Prenigan and Jane Shesteroyon' Lawrence J, Carroll'

<u>Senior Counsel</u> Samuel L. Fox Kenneth C. Bass III Registered Patent Agents
Karen R. Markowcz
Andrea J. Kamage
Nancy J. Leth
Joseph M. Conrad III
Ann E. Summerfield
Helene C. Carlson
Gathy I. Longsworth
Matthew J. Dowd
Angellouse G. Uy
Bords A. Matvenke
May B. Ting

\*Admitted only in Maryle \*Admitted only in Wegan \*Admitted only in \*\*\*

WRITER'S DIRECT NUMBER:
(202) 312-7269
INTERNET ADDRESS:
bskelton a skgf.com

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# Art Unit 1626 Box RCE

Commissioner for Patents Washington, D.C. 20231

Re: Request for Continued Examination (RCE)

U.S. Utility Patent Application

Appl. No. 09/360,947; filed July 27, 1999

For: Methods for Separating a Tocopherol from a Tocopherol-Containing

**Mixture and Compositions Thereof** 

Inventor: Charles E. Sumner, Jr. Our Ref: 1533.1340004/SRL/BLS

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Fee Transmittal (Form PTO/SB/17):
- 2. Request for Continued Examination (RCE) Transmittal (Form PTO/SB/30);
- 3. Petition For Extension of Time Under 37 C.F.R. § 1.136(a)(1):
- 4. Submission Under 37 C.F.R. § 1.114(b), Accompanying Request for Continued Examination under 37 C.F.R. § 1.114;
- 5. Return postcard; and
- 6. Our check no. 34731 for \$1,660.00 to cover:

Request for continued examination (RCE) (37 C.F.R. §1.17(e)); and Extension for response within third month (37 C.F.R. § 1.17(a)(3)).

Commissioner for Patents April 3, 2002 Page 2

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

Bug Stell

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Bryan L. Skelton

Agent for Applicant

Registration No. 50,893

BLS/dab P USERS DENISEB 1533 1344cov Enclosures PTO/SB/17 (10-01)
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### **FEE TRANSMITTAL** for FY 2002

Patent fees are subject to annual revision

(\$)1,660.00 TO NO FAMOUNT OF PAYMENT

Complete if Known					
Application Number	09/360,947				
Filing Date	July 27, 1999				
First Named Inventor	Charles E. Sumner, Jr.				
Examiner Name	Murray, J.				
Group Art Unit	1626				
Attorney Docket No.	1533.1340004/SRL/BLS				

METHOD OF PAYMENT (check one)				FEE	CALCULATION (	continued)		_
	3. ADDIT					,	mi m	
1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to	Large	·	Small _				오	\ H
Deposit Account Number 19-0036	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee D	escription	윤 ,	A paid
Deposit Account Name Sterne, Kessler, Goldstein & Fox P1 1 C	105	130	205	65	Surcharge - late filing f	ee or oath	盟	<u> </u>
Charge Any Additional Fee Required Under 37 CFR §§ 1-16 and 1-17		50	227	25	Surcharge - late provisional	filing fee or cover sheet	_	~ ₹
		130	139	130	Non-English specific	eation	600/20	
Applicant claims small entity status See 37 CFR 1.27		2,520	147	2,520	For filing a request fo	ır ex parte reexamı		
		920*	112	920*	Requesting publication of SIR prior to Examiner action			
2. ⊠Payment Enclosed	113	1,840*	113	1.840*	Requesting publication of SIR after Examiner action			
Check Credit card Money Order Other*  *Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036	115	110	215	55	Extension for reply within first month			
FEE CALCULATION	116	400	216	200	Extension for reply within second month			
I. BASIC FILING FEE	117	920	217	460	Extension for reply w	ithin third month	ľ	920
Large Entity Small Entity	118	1,440	218	720	Extension for reply w	ithin fourth month		
Fee Fee Fee Fee Description Fee Paid Code (\$) Code (\$)	128	1.960	228	980	Extension for reply w	ithin fifth month	ľ	
101 740 201 370 Utility filing fee	119	320	219	160	Notice of Appeal		ľ	
106 330 206 165 Design filing fee	120	320	220	160	Filing a brief in support of an appeal			
107 510 207 255 Plant filing fee	121	280	221	140	Request for oral hearing			
108 740 208 370 Reissue filing fee	138	1,510	138	1,510	Petition to institute a public use proceeding			
114 160 214 80 Provisional filing fee	1.40	10	240	55	Petition to revive - unavoidable			1=1
	141	1,280	241	640	Petition to revive - unintentional			
SUBTOTAL (1) (\$) -0-	142	1,280	242	640				
	143	460	243	230	Design issue fee			
	144	620	244	310	Plant issue fee		ľ	
	122	:30	122	130	Petitions to the Comm	nissioner	ľ	
2. EXTRA CLAIM FEES Fee from Extra below Fee Paid	123	130	123	130	Petitions related to pr	ovisional application	ons	
Total Claims 20** = X =	126	180	126	180	Submission of Inform	ation Disclosure S	itmt	
Indep Claims 3** = X =	581	40	481	40	Recording each patent assignment per property (times number of properties)			
Multiple Dependent =	146	¯40	246	370	Filing a submission after final rejection (37 CFR 1 129(a))			
Large Entity Small Entity Fee Fee Fee Fee Fee Description	149	740	249	370	For each additional in (37 CFR 1 129(b))	vention to be exar	mined	
Code         (\$)         Code         (\$)           103         18         203         9         Claims in excess of 20	179	740	279	370	Request for Continue	d Examination (RC	CE)	740
102 84 202 42 Independent claims in excess of 3	169	900	169	900	Request for expedite	d examination of a	Ì	
104 280 204 140 Multiple dependent claim	Other fee (	enecity)			design application		ŀ	
108 84 209 42 **Reissue independent claims over original patent 110 18 210 9 **Reissue claims in excess of 22 and over original patent								
SUBTOTAL (2) (\$) -0-	Other fee (specify)							
or number previously paid, if greater, For Reissues, see above								
SUBMITTED BY  Complete (if applicable)								
Name (Print/Type) Bryan L Skelton	Registration No			No	50 893	Telephone	202-3	71-2600
Signature Such Date 04/03/20						3/2002		

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#### REQUEST FOR

#### CONTINUED EXAMINATION (RCE) **TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/360,947
Filing Date	July 27, 1999
First Named Inventor	Charles E. Sumner, Jr.
Group Art Unit	1626
Examiner Name	Murray, J.
Attorney Docket Number	1533.1340004/SRL/BLS

<u>NOTE</u> : 37 C F consider filing term adjustme	for Continued Examination (RCE) under R § 1.114 is effective on May 29, 2000. If the above-ident a continued prosecution application (CPA) under 37 C F R int provisions of the AIPA See Changes to Application Exa D, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), whi	lified application wa L.§ 1 53 (d) (PTO/S mination and Provi	as filed prior to May 29. SB/29) instead of a RCE isional Application Prac	2000. applicant may wish to  E to be eligible for the pa				
1. Submission required under 37 C.F.R. § 1.114 a.   Previously submitted i.   Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered). ii.   Consider the arguments in the Appeal Brief or Reply Brief previously filed on iii.   Other b.   Enclosed i.   Affidavit(s)/Declaration(s) iii.   Information Disclosure Statement (IDS) iv.   Other Petition For Extension of Time Under 37 C.F.R. § 1.136(a)(1)  2. Miscellaneous a   Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required) b.   Other 3. Fees   The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed. a.   X The Director is hereby authorized to credit any overpayments, to Deposit Account No. 19-0036 i.   X RCE fee required under 37 C.F.R. § 1.17(e) ii.   Other b.   Check in the amount of \$1.660.00 enclosed (including \$740.00 RCE fee and \$920.00 extension fee) c.   Payment by credit card (Form PTO-2038 enclosed)								
	SIGNATURE OF APPLICANT, AT	TORNEY, OR	AGENT REQUIRE	ED				
Name (Print/Type)  BRYAN L. SKELTON STERNE, KESSLER, GOLDSHIN & FON P.L.L.C.		Registration No. (Attorney/Agent)		50.893				
Signature	Bus Stell	Date 04/03/2002						
	CERTIFICATE OF MAIL	ING OR TRAN	SMISSION					
I hereby certify that this Commissioner For Pate	s correspondence is being deposited with the Unitedents, Box RCE, Washington, DC 20231, or facsimile	d States Postal S e transmitted to	Service as first class the U.S. Patent and	mail in an envelope addressed to: Trademark Office on:				
Name(Print/Type)								
Signature			Date					

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231 DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND Fees and Completed Forms to the following address Commissioner for Patents, Box RCE, Washington, DC 20231